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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00261 HG
)	
Plaintiff,)	UNITED STATES' RESPONSE TO
)	DEFENDANT TROIANO'S MOTION TO
vs.)	COMPEL DISCOVERY; EXHIBIT A;
)	CERTIFICATE OF SERVICE
JAMES TROIANO,	(01))	
also known as:)	Date: March 17, 2006
"JOHN KLATT,")	Time: 9:00AM
WENDELL K. TOKI,	(02))	Judge: Helen Gillmor
)	
Defendants.)	
)	

UNITED STATES' RESPONSE TO
DEFENDANT TROIANO'S MOTION TO COMPEL DISCOVERY

COMES NOW the United States of America, by and through its attorneys, Edward H. Kubo, Jr., United States Attorney for the District of Hawaii, Wes R. Porter and Clare E. Connors, Assistant United States Attorneys, and hereby submits its

opposition to defendant James Troiano, also known as "John Klatt's, Motion to Compel Discovery, filed February 27, 2006.

As is evident from Exhibit A, Troiano's Motion to Compel was made prior to the final pre-trial conference before Magistrate Leslie E. Kobayashi on March 6, 2006. Moreover, it was made despite the fact the United States had responded to all specific requests made by Troiano's counsel, including the request for Giglio materials as to Silvia Robinson, a potential witness. In light of the premature nature of the Motion, the United States requested that counsel withdraw it. To date, and despite the fact that deadlines have been set and complied with in the normal course, Troiano has not withdrawn the Motion.

Accordingly, the United States attaches its February 27, 2006 letter to counsel. Notably, Troiano's Motion to Compel cites to no specific instance in which the United States has refused to provide documents requested by the defense. Therefore, for the reasons set forth in Exhibit A, Troiano's Motion to Compel should be denied.

DATED: March 9, 2006, at Honolulu, Hawaii.

Respectfully submitted,
EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Clare E. Connors
WES R. PORTER
CLARE E. CONNORS
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was served on March 9, 2006, to the following person(s):

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JAMES TROIANO

BY: MAIL (X) HAND ()

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WENDELL R. TOKI

By: MAIL (X) HAND ()

DATED: March 9, 2006, at Honolulu, Hawaii.

/s/ Iris Tanaka